

SUMMARY OF DOJ REPORT, PHILADELPHIA

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Fairfax County Ad Hoc Police Practices Review Commission

In 2013, while violent crimes and assaults against the police were declining, the number of officer-involved shootings by Philadelphia Police Department was on the rise, including the number of fatal officer involved shootings.

Between 2007 and 2014, there were 394 officer-involved shootings by Philadelphia Police Department, with an annual average of 49.

In 2013, Police Commissioner Charles Ramsey requested technical help from the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office).

OBJECTIVES:

- Enhance training as it relates to officer and public safety in deadly force situations.
- Improve the quality and transparency of deadly force investigations from both a criminal and administrative standpoint.
- Strengthen the use of force review process.
- Institutionalize organizational learning processes and practices related to deadly force incidents.

Very different from Fairfax County. Shootings most prevalent in two districts, and areas with patterns of gun-related violent crimes and homicides in Philadelphia's police districts correlated with the prevalence of officer involved shootings.

Data about incidents, Officers involved and suspects. (This is data that we are lacking in Fairfax County, and in my opinion should be collected in all Use of Force incidents, not just officer involved shootings.)

- Incidents of officer involved shootings mostly involved three or fewer officers.
- 94 percent of officers involved in shootings were men.
- 59 percent of officers involved were White
- 34 percent were Black
- 7 percent were Hispanic
- less than 1 percent were Asian
- Officers were 33 years old, on average, and usually in a patrol function.

Adjusting for size, highway patrol, major crimes unit, and narcotics strike force had the highest rates of officer-involved shootings.

- The average age of suspects who were shot was 20 years old.

The racial composition of suspects shot in officer-involved shootings:

- 80 percent Black,

- 10 percent Hispanic,
- 9 percent White, and
- 1 percent Asian.

Suspects shot were unarmed in 15 percent of officer involved shootings.

Suspects shot were armed with firearms 56 percent of the time in officer involved shootings;

Suspects shot used vehicles as weapons 9 percent of the time in officer involved shootings;

Suspects who were shot were armed with a sharp object 8 percent of the time;

Suspects who were shot were armed with a BB gun 3 percent of the time;

Suspects who were shot were armed with a blunt object 3 percent of the time.

In 6 percent of cases, whether the suspect was armed has not been determined.

Unarmed OIS incidents were mostly attributable to one of two factors: threat perception failures and physical altercations. Threat perception failures occur when the officer(s) perceives a suspect as being armed due to the misidentification of a nonthreatening object (e.g., a cell phone) or movement (e.g., tugging at the waistband). This was the case in 49 percent of unarmed incidents. Physical altercations refer to incidents in which the suspect reached for the officer's firearm or overwhelmed the officer with physical force. This was the case in 35 percent of unarmed OISs. The remaining unarmed incidents involved toy guns (10 percent), unarmed accomplices (3 percent), and accidental discharge (2 percent).

Black suspects in officer-involved shootings were the most likely to be the subject of a threat perception failure (8.8 percent)

White suspects in officer-involved shootings were the most likely (18.8 percent) to be involved in a physical altercation resulting in an officer-involved shooting.

Among the findings:

- officers do not receive regular, consistent training on the department's deadly force policy
- officers were required to have CIT training just to carry a ECW, meaning most officers didn't have the ECW available
- Recommendation: The PPD should decouple ECWs and CIT. ECWs should be standard-issue weapons for all PPD officers assigned to uniformed enforcement units. All PPD officers in uniformed enforcement units should be required to carry ECWs on their duty belts at all times.

"ECWs have consistently been associated with reductions of both officer and suspect injuries.⁵² Furthermore, research suggests that expanding ECW deployment throughout the department can help reduce deadly force incidents."

"CIT officers [should] be dispatched to calls for service involving persons in a state of excited delirium or mental crisis. The PPD should also track and monitor CIT calls and evaluate the effect of CIT on critical incident response."

- ECW policy was not detailed enough regarding the circumstances in which use of the tool should be limited
- recruit training is not conducted in a systematic and modular fashion

- For some recruits, de-escalation training has been little more than lecture and observations. Focus group participants generally agreed that more de-escalation training was needed at the academy. Recommendations: The PPD should revamp its academy de-escalation training, ensuring that recruits receive more hours of scenario training, which allows each recruit to exercise and be evaluated on verbal de-escalation skills; PPD de-escalation training should be expanded to include a discussion of tactical de-escalation.
- Incidents involving discourtesy, use of force, and allegations of bias by PPD officers leave segments of the community feeling disenfranchised and distrustful of the police department. Recommendation: PPD's academy should significantly increase the scope and duration of its training on core and advanced community oriented policing concepts
- officers qualify with their firearms just once per calendar year, not enough.
- officers do not regularly receive in-service training on threat perception, decision making, and de-escalation. Recommendation: The PPD should add at least one additional day of reality-based training to its annual requirements
- The PPD should include training in procedural justice and in fair and impartial policing in in-service training
- Strengthen policies on shooting at vehicles: Officers shall not discharge their firearms at a vehicle when circumstances do not provide a reasonable probability of striking the intended target or when there is substantial risk to the safety of innocent bystanders or officers. Officers shall not discharge their firearms at a vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. A moving vehicle alone shall not presumptively constitute a threat that justifies an officer's use of deadly force • Officers shall not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, shall not be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.
- The prohibitions regarding the discharge of a firearm at or from a moving vehicle exist for the following reasons: Bullets fired at a moving vehicle are extremely unlikely to disable or stop the vehicle; Disabling the driving of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other officers or innocent bystanders; Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop a threat to an officer or other person; Moving to cover in order to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.

Investigations and Oversight

- Officer involved shooting investigations generally lack consistency
- The IAD shooting team waits for the district attorney's office (DAO) to decline charges against an officer before it interviews discharging officers and closes its investigation. As

a result, most officers involved in shootings are not interviewed until three or more months after the incident occurred

- The scope of shooting team investigations focuses solely on policy, while largely neglecting officer tactics and decision making
- The PPD has begun posting a significant amount of data and case information on its website. Still, more transparency is needed for properly keeping the community informed
Recommendation: The PPD should update its website as case files are closed and available for public dissemination (recommendation 45.2).
- Recommendation: The PPD website should be updated to include more detailed accounts of the OIS and review of the incident. Recommendation: The PPD should publish a detailed report on use of force, including deadly force, on an annual basis. The report should be released to the public
- Finding: The PPD does not fully accommodate the Police Advisory Commission in its role to provide independent civilian oversight of police operations in Philadelphia
Recommendation: The PPD should work with the PAC and accommodate requests for important documentation, investigative files, and data related to all uses of force, including officer-involved shootings.

The Philadelphia PAC is the official civilian oversight agency of the PPD. The commission was formed in 1994 as the successor of the police advisory board.¹⁸⁷ There are a total of 19 commissioners, one executive director, and two investigators. Each commissioner is appointed by the mayor for a term of four years. The commission's mandate is to investigate complaints against the PPD, provide general advice on PPD policy and practice, and broadly study the concerns of the community. Most of the complaints investigated by the PAC involve physical and verbal abuse or abuse of authority. As an investigation and review body, in 2013, the commission investigated 56 complaints and audited 23 Internal Affairs Division (IAD) investigations.¹⁸⁹ The PAC also holds public meetings, conducts community outreach, issues position papers, makes recommendations to the PPD, and disseminates data on public complaints. Regarding officer-involved shootings, there has been a point of significant contention between the PAC and the PPD regarding access to data and files. The PAC has sought access to investigative files and statistical data regarding OISs, which the PPD has refused.

- Finding: Distrust in the ability of the PPD to investigate itself pervades segments of the community. Scandals of the past and present, high profile officer-involved incidents, and a lack of transparency in investigative outcomes help cement this distrust.
Recommendation: The PPD should establish a policy stating that the police commissioner or designee will hold a press conference on an OIS incident within 72 hours of the incident.
- Recommendation: The PPD should enter into an agreement with the police advisory commission allowing a PAC observer access to all pertinent documentation related to an officer-involved-shooting investigation.
- Recommendation: The police commissioner should enter into a memorandum of understanding with an external, independent investigative agency, through which the investigation of all OISs involving an unarmed person will be submitted for review